

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE KOELTL

08 CIV 65727

BEN HUR MOVING & STORAGE, INC.,

Plaintiff,

- against -

**ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION AND
TEMPORARY RESTRAINING ORDER**

THE BETTER BUSINESS BUREAU OF
METROPOLITAN NEW YORK INCORPORATED,
THE BETTER BUSINESS BUREAU, INC., d/b/a
THE BETTER BUSINESS BUREAU SERVING
METROPOLITAN NEW YORK, d/b/a BBB OF
METROPOLITAN NEW YORK, INC. a/k/a BBB,
a/k/a BETTER BUSINESS BUREAU, a/k/a THE
BETTER BUSINESS BUREAU OF THE
STATE OF NEW YORK, INC.

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ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/29/2008

Defendants.

Upon the Affirmation of Gil Santamarina, affirmed on this 8th day of July, 2008, the
Affidavit of Alon Modlin, sworn to on this 23rd day of July, 2008 and upon the copy of the
Complaint hereto annexed, it is

ORDERED that the above named Defendant show cause before a motion term of this
Court, at Room 2B, United States Courthouse, 500 Pearl Street, in the City, County, and State
of New York, on 9/12, 2008 at 4:30 o'clock in the pm noon thereof,
or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to
Rule 65 of the Federal Rules of Civil Procedure

ENJOINING the Defendant, during the pendency of this action, from listing any
complaint history under Plaintiff's name on its database or website or other publication and

instead

DIRECTING the Defendant, under Plaintiff's name, to list the words "under review", thereby issuing a neutral report on the Plaintiff's complaint history during the pendency of this action; and further

DIRECTING Defendant to cease causing any further irreparable injury to the Plaintiff from defrauding the general public by conspiring to falsely misrepresent the business reputation of the Plaintiff and that of other businesses that do not pay it fees by issuing false comparisons of companies that are Defendant's members versus companies that are not members of Defendant's; to cease from interfering with interstate commerce by committing such acts, and to post a \$1 million bond during the pendency of this action for the losses the Plaintiff will continue to sustain as long as the Defendant maintains its current hostile conduct towards the Plaintiff; and it is further

ORDERED that personal service of a copy of the summons and complaint and this order with the supporting papers upon the Defendants THE BETTER BUSINESS BUREAU OF METROPOLITAN NEW YORK INCORPORATED, d/b/a THE BETTER BUSINESS BUREAU SERVING METROPOLITAN NEW YORK, d/b/a BBB OF METROPOLITAN NEW YORK, INC. a/k/a BBB, a/k/a BETTER BUSINESS BUREAU, a/k/a THE BETTER BUSINESS BUREAU OF THE STATE OF NEW YORK, INC. at the address of 257 Park Avenue South, New York, NY 10010-7384, and upon Defendant THE BETTER BUSINESS BUREAU, INC. through the Secretary of State on or before 5⁰⁰ o'clock in the 4th noon,

on August 4, 2008 shall be deemed good and sufficient service thereof.

Req The plaintiff will serve and file a supporting memo of law by 8/8/08.

The defendant will serve and file opposing papers by 8/28/08. The plaintiff will file a reply by 9/5/08.